

## HOUSE BILL NO. 328

INTRODUCED BY P. WAGMAN

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO PLUMBING AND PLUMBERS; ALLOWING A PORTION OF PERMIT FEES OR INSPECTION FEES AND CHARGES TO BE USED FOR CONTINUING EDUCATION FOR PLUMBERS; REVISING QUALIFICATIONS FOR PLUMBERS; AND AMENDING SECTIONS 37-69-304 AND 50-60-106, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**NEW SECTION. Section 1. Continuing education -- special revenue account -- funding support from permit fees.** (1) There is a plumbing codes education program administered by the department of labor and industry for the purpose of providing continuing education in plumbing code standards and related topics to interested persons in the plumbing industry and in regulatory agencies of state and local government.

(2) There is an account in the state special revenue fund for the purpose of paying the costs of the plumbing codes education program.

(3) (a) The plumbing codes education program must be funded from revenue from plumbing permit fees required under 50-60-508 or from revenue remitted to the department from plumbing fees or charged under 50-60-106(2)(g)(iii)(B).

(b) The department shall allocate 0.5% of the revenue collected under 50-60-508 to the plumbing codes education program and deposit the funds in the state special revenue account established in subsection (2) to pay the costs of conducting courses and seminars at locations in the state.

(4) The department may expend the funds referred to in subsection (3) to contract with appropriate units of the Montana university system, tribal colleges, or community colleges or with private-sector entities to develop and conduct the plumbing codes education program.

**Section 2.** Section 37-69-304, MCA, is amended to read:

**"37-69-304. Qualifications of applicants for journeyman plumber's license -- restriction on authority -- fees -- third-party services.** (1) ~~The~~ An applicant must meet the following requirements ~~must be met by applicants~~ for a journeyman plumber's license:

(a) a specific record of 5 years' experience legally obtained in the field of plumbing ~~of a character satisfactory to the board~~. This experience requirement may be fulfilled by working 5 years in a major phase of the plumbing business, verified by time or pay records, or by completing an apprenticeship program meeting the standards set by the department of labor and industry or the United States department of labor, bureau of apprenticeship, ~~or credit~~. Credit towards this experience requirement may be given for time spent attending an accredited trade or other school specializing in training of value in the field of plumbing and approved by the board.

(b) satisfactory completion of an examination conducted by the department, subject to 37-1-101(4), testing the applicant's knowledge of techniques and methods employed in the field of plumbing and establishing by practical demonstration competence in the special skills required in the field of plumbing.

(2) A licensed journeyman plumber may perform work only in the employment of a licensed master plumber unless otherwise permitted by rule of the board.

(3) The board shall determine by rule the fees to be charged an applicant for each examination or reexamination. The fees must be commensurate with costs.

(4) The department may use a third party to provide examination and grading services."

**Section 3.** Section 50-60-106, MCA, is amended to read:

**"50-60-106. Powers and duties of counties, cities, and towns.** (1) The examination, approval, or disapproval of plans and specifications, the issuance and revocation of building permits, licenses, certificates, and similar documents, the inspection of buildings, and the administration and enforcement of building regulations;

(a) within the limits of a city or town are the responsibility of the city or town of the state. ~~The examination, approval, or disapproval of plans and specifications, the issuance and revocation of building permits, licenses, certificates, and similar documents, the inspection of buildings, and the administration and enforcement of building regulations; and~~

(b) within the portion of a county that is covered by a county building code are the responsibility of the county.

(2) Each county, city, or town certified under 50-60-302 shall, within its jurisdictional area:

(a) examine, approve, or disapprove plans and specifications for the construction of any building, the construction of which is pursuant or purports to be pursuant to the applicable provisions of the state building

code or county, city, or town building code, and direct the inspection of the buildings during and in the course of construction;

(b) require that construction of buildings be in accordance with the applicable provisions of the state building code or county, city, or town building code, subject to the powers of variance or modification granted to the department;

(c) make available to building contractors at a price that is commensurate with reproduction costs a checklist devised by the department pursuant to 50-60-118 for single-family dwellings and provide to contractors who attach a completed checklist to the plans submitted for examination the relevant building permit or notice of plan disapproval within 10 working days of the contractor's submission;

(d) during and in the course of construction, order in writing the remedying of any condition found to exist in, on, or about any building that is being constructed in violation of the state building code or county, city, or town building code. Orders may be served upon the owner or the owner's authorized agent personally or by sending by certified mail a copy of the order to the owner or the owner's authorized agent at the address set forth in the application for permission for the construction of the building. A local building department, by action of an authorized officer, may grant in writing time as may be reasonably necessary for achieving compliance with the order. For the purposes of this subsection (2)(d), the phrase "during and in the course of construction" refers to the construction of a building until all necessary building permits have been obtained and the municipality or county has issued formal written approvals or has issued a certificate of occupancy for the building.

(e) issue certificates of occupancy as provided in 50-60-107;

(f) issue permits, licenses, and other required documents in connection with the construction of a building;

(g) ensure that all construction-related fees or charges imposed and collected by the municipality or county are necessary, reasonable, and uniform and are:

(i) except as provided in subsection (2)(g)(iii), used only for building code enforcement, which consists of those necessary and reasonable costs directly and specifically identifiable for the enforcement of building codes, plus indirect costs charged on the same basis as other local government proprietary funds not paying administrative charges as direct charges. If indirect costs are waived for any local government proprietary fund, they must also be waived for the program established in this section. Indirect charges are limited to the charges that are allowed under federal cost accounting principles that are applicable to a local government.

(ii) reduced if the amount of the fees or charges accumulates above the amount needed to enforce

building codes for 12 months. The excess must be placed in a reserve account and may only be used for building code enforcement. Collection and expenditure of fees and charges must be fully documented.

(iii) allocated and remitted to the department, in an amount not to exceed;

(A) 0.5% of the building fees or charges collected, for the building codes education program established in 50-60-116; and

(B) 0.5% of the plumbing fees or plumbing charges collected, for the plumbing codes education program established in [section 1].

(3) Each county, city, or town with a building code enforcement program that has been certified under 50-60-302 may, within the area of its jurisdiction:

(a) make, amend, and repeal rules for the administration and enforcement of the provisions of this section and for the collection of fees and charges related to construction;

(b) prohibit the commencement of construction until a permit has been issued by the local building department after a showing of compliance with the requirements of the applicable provisions of the state building code or county, city, or town building code; and

(c) enter into a private contract with the owner or builder of a building that is not or will not be within the jurisdiction of the county, city, or town under which the county, city, or town will provide reviews, inspections, orders, and certificates of occupancy for a fee and under conditions agreed upon by the parties. County, city, or town powers of enforcement may not be exercised."

**NEW SECTION. Section 4. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 50, chapter 60, part 5, and the provisions of Title 50, chapter 60, part 5, apply to [section 1].

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